

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

*C. P No. D-652 of 2026, C. P No. D-663 of 2026,
C. P No. D-706 of 2026, C. P No. D-733 of 2026,
C. P No. D-734 of 2026, C. P No. D-743 of 2026,
C. P No. D-753 of 2026, C. P No. D-760 of 2026.*

Before:
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'.

C.P No. D-652 of 2026
*(M/s Sikandar Ali Brohi @ Brohi Rice Mill Madeji and another v/s
Province of Sindh and others)*

C.P No. D-663 of 2026
(M/s Al Makkah Flour Mill Kashmore V/s Province of Sindh and others)

C.P No. D-706 of 2026
(M/s Shahan Shah Rice Mills V/s Province of Sindh and others)

C.P No. D-733 of 2026
(M/s Domki Rice Mill V/s Province of Sindh and others)

C.P No. D-734 of 2026
(M/s SSD Manao Traders and others V/s Province of Sindh and others)

C.P No. D-743 of 2026
(M/s Evergreen Traders and others V/s Province of Sindh and others)

C.P No. D-753 of 2026
*(M/s S.M.E Commission Shop Traders and others V/s Province of Sindh
and others)*

C.P No. D-760 of 2026
(Rustam Ali Sario and another V/s Province of Sindh and others)

M/s Qurban Ali Malano and Muhammad Uzair Shaikh,
Advocates for the petitioners in C.P No. D-706/2026,
652/2026 and 663/2026

Mr. Abdul Qudoos Jatoi, advocate for the petitioner in C.P No. D-733/2026

Mr. Abdul Ghani Bijarani, advocate for the petitioners in C.P No. D-734/2026, 743/2026 and 753/2026

Mr. Waqar Ahmed Chandio, advocate for the petitioners in C.P No. D-760/2026.

Mr. Liaquat Ali Shar, Additional Advocate General Sindh, along with Ghulam Abbas Naich, Secretary, Food Department, Government of Sindh, Agha Sher Zaman, Deputy Commissioner, Kashmore @ Kandhkot, Shakeel Abro, Deputy Commissioner, Shikarpur, Shaista Sindhu, Assistant Commissioner, Garhi Yasin, Shah Rukh, Assistant Commissioner, Kashmore, Farzana Mirani, Assistant Commissioner, Dokri self and on behalf of Deputy Commissioner, Larkana, Ubaid Zafar Chandio, Mukhtiarkar (Revenue), Taluka Dorki and Zarar Khan, Assistant Commissioner, Kandhkot.

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Date of Hearing: 23-09-2026
Date of Order: 23-09-2026
Date of reasoning: 01-10-2026

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ORDER

Ali Haider ‘Ada’, J:- The above-captioned petitions were instituted primarily on the ground that the Food Department, Government of Sindh, despite having issued certificates/licenses in favour of the petitioners and despite issuance of Notification dated 08.07.2026, whereby the permissible stock limits were prescribed/authorized to be maintained, has allegedly been lifting wheat stock from the premises of the petitioners without any lawful justification. It is alleged that the officials of the Food Department conducted unauthorized raids upon the premises of the petitioners, seized wheat bags and lifted the wheat stock. Such actions have been called

into question by the petitioners as being without lawful authority and ultra vires the applicable law.

2. In response, the respondents, including the Deputy Commissioner, Shikarpur, the Assistant Commissioner, Garhi Yasin, and the Secretary, Food Department, Government of Sindh, have filed their respective statements, detailed charts and comments, setting out the position with regard to the stock maintained by each of the petitioners and the alleged violations noticed during inspection.

3. Learned counsel for the petitioners has mainly argued that the petitioners are duly licensed and legally authorized to stock food grains within the limits prescribed in Form 'A' appended to the Sindh Food grains Licensing Control Order, 1957. It is contended that, despite the petitioners having the requisite licenses and documentation, the respondents have alleged that they exceeded the prescribed stock limits without any lawful or sufficient basis. Learned counsel submits that the petitioners have maintained proper documentation in support of their respective stock positions and, therefore, the lifting and seizure of wheat stock, as well as the raids conducted upon their premises, are contrary to the applicable statutory provisions. It is accordingly prayed that such actions of the respondents be declared ultra vires and that the respondents be restrained from taking any further action against the petitioners except in accordance with law.

4. On the other hand, the Secretary, Food Department, Government of Sindh, who appeared before the Court, placed on record details pertaining to each of the petitioners and explained the violations allegedly found during the course of inspection. It was

submitted that the petitioners were not uniformly compliant with the conditions governing the maintenance and storage of wheat stock and that, in certain cases, the petitioners failed to produce their stock registers and Form 'D', as required under the applicable law. It was further submitted that, in certain cases, the quantity of wheat found at the premises was in excess of the permissible limit, particularly when compared with the actual monthly grinding capacity of the concerned unit at the time of inspection.

5. The Secretary, Food Department, further submitted that the compliance status of the conditions prescribed in Form 'A' under the Sindh Food grains (Licensing Control) Order, 1957, was also examined and that violations were found in certain cases. According to the department, the regulatory measures were necessitated in order to prevent hoarding and unlawful accumulation of wheat, which may adversely affect the availability of the commodity in the market and contribute to an artificial shortage and consequent increase in prices. It was, therefore, submitted that the action taken by the department was in discharge of its statutory and regulatory functions and was intended to ensure proper availability and distribution of wheat in the public interest.

6. Learned Additional Advocate General, Sindh, has supported the stance of the respondents and submitted that the Food Department, under the applicable statutory and regulatory framework, is competent not only to inspect and verify food-grain stocks but also to exercise regulatory control over such stock. It was submitted that wheat is an essential commodity and a basic necessity of life and, therefore, the competent authorities are required to ensure its regulated storage and availability in the market. Learned Additional Advocate General accordingly submits

that the actions complained of cannot, merely on the allegations of the petitioners, be declared ultra vires where the same have been undertaken in exercise of powers conferred by law.

7. Heard learned counsel and perused the record.

8. The controversy, therefore, essentially relates to the authority of the Food Department to inspect, verify and regulate the quantity of wheat stock maintained by the petitioners, who admittedly claim to be license holders, and to take consequential action where any contravention of the applicable law or the conditions of the respective licenses is found.

9. In the present case, the petitioners, being license holders, are required to demonstrate that the quantity of wheat stock maintained by them was within the permissible limits prescribed under the applicable law and the terms and conditions governing their respective licenses. It was, therefore, incumbent upon the petitioners to produce their stock registers, Form 'D' and other relevant contemporary record before the competent authority so as to establish the actual quantity of wheat maintained by them at the relevant time and to demonstrate that such quantity remained within the permissible limits.

10. However, no sufficient material has been placed on record by the petitioners, particularly their relevant stock registers or other contemporaneous record, which could establish with reasonable certainty the actual quantity of wheat held by them at the time of inspection and demonstrate that the stock was within the permissible limits. Mere assertion that the petitioners were holding valid licenses, without corresponding production of the record

required for verification of the actual stock position, cannot by itself establish compliance with the statutory requirements.

11. In such circumstances, the competent authority cannot be said to have acted without jurisdiction merely because it required the petitioners to produce the relevant record, conducted inspection of their godowns and verified the quantity of wheat stock maintained therein. The authority is competent, under the applicable legal framework, to ascertain the quantity of stock, inspect the premises, require production of relevant documents and records, and determine whether the stock maintained by a license holder exceeds the permissible limit. Where, upon such lawful inspection and verification, any contravention is found, the competent authority is entitled to proceed in accordance with law.

12. Furthermore, Article 11 of the Sindh Food grains (Licensing Control) Order, 1957, confers additional powers upon the competent authority for the effective enforcement of the provisions of the Order. The said provision authorizes the concerned officer, in the circumstances contemplated therein, to enter and search any premises and to seize any quantity of food grains in respect of which a contravention has been found or is reasonably suspected, besides inspecting the documents and records relating thereto. The statutory purpose of such provision is to enable the competent authority to ascertain whether food grains are being stored in accordance with the prescribed limits and conditions and, where a violation is detected, to take such action as is authorized by law.

13. Therefore, the mere fact that the petitioners are license holders does not, in itself, exclude them from regulatory inspection or confer upon them an unrestricted right to maintain any quantity of wheat

at their premises. A licence granted under a regulatory regime authorizes the holder to carry on the regulated activity subject to the terms and conditions imposed by the applicable law. It does not create an immunity from inspection, verification or lawful action in the event of a contravention of the prescribed conditions.

14. It is also relevant to observe that the regulatory framework governing food grains is intended to serve a legitimate public purpose, including regulation of the storage and availability of essential food commodities and prevention of unlawful hoarding and accumulation of stock. The competent authorities are, therefore, required to ensure that the prescribed limits and conditions are effectively enforced. At the same time, such regulatory powers must be exercised in accordance with law and cannot be invoked to cause unwarranted interference with the lawful business activities of genuine license holders who are maintaining stock within the permissible limits and complying with the prescribed requirements.

15. Thus, where a violation of the applicable law is established upon lawful inspection and verification, the competent authority is under a corresponding obligation to take action in accordance with law. Conversely, where no violation is established, the authority cannot proceed merely on the basis of an unfounded or unsupported assumption. The exercise of regulatory power must, in every case, be supported by the relevant record and undertaken in accordance with the procedure prescribed by law.

16. In the present matter, however, the material placed before the Court, including the detailed charts and reports submitted by the concerned authorities, indicates that the Food Department undertook verification of the stock position of the petitioners and, in

certain cases, found discrepancies relating to the prescribed stock limits, production/grinding capacity and maintenance or production of the requisite record. The petitioners have not been able to place sufficient contemporaneous material before this Court to dislodge the factual basis of such verification or to establish that the impugned actions were wholly without jurisdiction or in patent violation of the applicable law.

17. The constitutional jurisdiction of this Court cannot, in such circumstances, be converted into a substitute for the statutory process of inspection, verification and determination by the competent authority.

18. For the foregoing reasons, no case has been made out for declaring the impugned actions of the respondents to be ultra vires merely on the basis of the assertions made by the petitioners. The competent authorities are, however, directed to ensure that any further inspection, search, seizure or consequential action is undertaken strictly in accordance with the applicable law, after observing the prescribed procedure and on the basis of the relevant record. The respondents shall also ensure that the regulatory powers vested in them are exercised fairly, reasonably and without causing unnecessary interference with the lawful activities of license holders.

19. The above petitions had already been dismissed vide order dated 23.09.2026. The present order shall constitute the detailed reasons in support of the said decision.

JUDGE

JUDGE